

21 DEC 2009



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
SHIOMI et al.	:	DECISION ON
Application No.: 10/583,999	:	
PCT No.: PCT/JP2005/000326	:	PAPERS
Int. Filing Date: 01 June 2005	:	
Priority Date: 01 July 2004	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 0425-1258PUS1	:	
For: FILTER FOR GAS GENERATOR	:	

This is a decision on the renewed request under 37 CFR 1.42 filed by applicants on 26 May 2009.

BACKGROUND

On 01 June 2005, applicants filed international application PCT/JP2005/000326 which claimed a priority date of 01 July 2004 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 21 July 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 02 January 2007 (01 January 2007 being a Federal holiday).

On 22 June 2006, applicants filed, *inter alia*, a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and a declaration of inventors. The indication in this declaration that joint inventor Kazumitsu Shiomi is deceased was treated as a request for status under 37 CFR 1.42.

On 25 March 2009, a decision was mailed refusing applicants' request for status under 37 CFR 1.42. Specifically, it was noted that the declaration filed 22 June 2006 did not indicate that the persons signing were all the heirs. Nor was the declaration accompanied by a statement by either those signing or by the attorney which sets forth (1) that they are in fact all the heirs of the deceased and (2) that no legal representative of the deceased's estate has been appointed or is required by the applicable law to be appointed.

On 26 May 2009, applicants filed the instant renewed request under 37 CFR 1.42 which was accompanied by a statement by the attorney.

DISCUSSION

The statement filed 26 May 2009 is sufficient. The submissions filed 22 June 2006 and 26 May 2009 have been reviewed and have been found in compliance with 37 CFR 1.42. The declaration filed 22 June 2006 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301